

--Rebuttal disclosures will be due on or before July 28; and

--Expert discovery will close on August 11, 2008.

4. In June, Gap's counsel requested that the deadlines for expert disclosures and rebuttal disclosures be extended by one week to July 21 and August 4. *See* Ex. 1 hereto. Roots' counsel consented to Gap's request for an extension, but made a counter-proposal that the deadlines be set for July 28 and August 11. *See id.* In response, Gap stated that those dates did not work, "but pushing it back one week would." *Id.* Accordingly, the parties agreed that expert disclosures would be due on August 4, and rebuttal disclosures on August 18.

5. Roots later determined that in order to prepare its damages report, it would be necessary to arrange an overseas trip to Roots' offices in the Jebel Ali Free Trade Zone, in Dubai, United Arab Emirates.

6. The earliest the trip could be scheduled was during the week of August 4.

7. On Friday, July 25, I contacted Gap's counsel requesting their "consent to adjourn the expert discovery deadlines by two weeks (*i.e.*, to August 18 for the disclosures and September 1 for the rebuttals)." *See* Ex. 2 hereto.

8. On Tuesday, July 29, Gap's counsel, Rose Darling, responded that "the vacation schedules of our expert and attorneys conflict with those dates." Ms. Darling stated that if the current dates were "impossible for you, please let me know so that we can discuss further." *Id.*

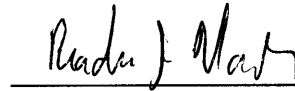
9. Later that day, I contacted Ms. Darling to meeting and confer concerning the expert discovery deadlines. I explained that because of the difficulty of arranging international travel during the summer vacation season, the current schedule was not workable for Roots. Ms. Darling stated that Gap's expert had a vacation planned for the first week in September. Accordingly, I agreed to give Gap until September 8 for its rebuttal disclosure. Ms. Darling agreed to consider the proposal.

10. On Friday, August 1, following several meet-and-confer conferences, Gap's counsel consented to extend Roots' time to file for its expert report until August 13. I

1 responded that although Roots would make every effort to complete the report by August 13, if
2 the deadline proved unworkable, Roots reserved its right to seek relief from the court.

3 I declare under penalty of perjury that the foregoing is true and correct.
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5 Executed this 13st day of August 2008 in New York, New York.
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DECLARATION OF BRADLEY J. NASH
Case No.: C 07 3363 CRB